

UNITED STATES DISTRICT COURT

for the
District of MontanaIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. MJ-24- 17 -M-KLD

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, for description of the item to be searched, which is incorporated herein by reference.

located in the _____ District of _____ Montana _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B for a list of items to be searched for and seized, which is incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

The application is based on these facts:

The accompanying affidavit, Attachment C, is incorporated as if fully restated herein.

- ☒ Continued on the attached sheet.
☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

SA Thomas S. Hess

Applicant's signature

SA Thomas S. Hess

Printed name and title

Sworn to before me and signed in my presence.

Date:

Mar 7, 2024

Kathleen L. DeSoto

Judge's signature

City and state: Missoula, Montana

Kathleen L. DeSoto

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**IN THE MATTER OF THE
SEARCH OF A BLACK PLASTIC
APACHE 4800 CASE.**

Case No. MJ-24-17-M-KLD

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Thomas S. Hess, being duly sworn, depose and state:

1. I am a duly commissioned Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since September 2013. Previously, I was a Special Agent with the United States Secret Service for approximately five years. I was also a police officer with St. Louis Metropolitan Police Department for approximately three years. I have a Bachelor of Science degree and a Master of Arts and have received approximately 80 weeks of advanced law enforcement training at federal and state academies and seminars. I have conducted numerous investigations involving violations of the Gun Control Act, National Firearms Act, violations of the Controlled Substances Act, and various other firearms and

controlled substances violations. I have been involved in all aspects of federal firearms and narcotics investigations, including debriefing defendants, witnesses, and informants, conducting surveillance and undercover operations, and executing search warrants.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

1. This affidavit is submitted in support of an application for a search warrant. The warrant would authorize the search of a black plastic Apache 4800 case. This case was located in the back of a black Dodge Ram pickup truck, British Columbia, Canada license plate RF697A, registered to Joseph Squires, 653 Richter St, Kelowna, British Columbia, Canada. The vehicle was previously registered to Hapte John KOZAK. This item was removed from rear of the truck and placed in secure storage at the Missoula Police department as the vehicle was being released. KOZAK is

being charged with committing the crime of prohibited person in possession of firearms in violation of Title 18 U.S.C. § 922(g)(5), False Statements in FFL Applications or to FFL in violation of Title 18 U.S.C. § 922(a)(6), straw purchasing of firearms in violation of 18 U.S.C. § 932 and trafficking in firearms in violation of Title 18 U.S.C. § 933.

FACTS AND CIRCUMSTANCES

2. On October 26, 2023, ATF Intelligence Research Specialists identified Hapte John KOZAK a.k.a. Tyler John (COSSACK) as purchasing 12 pistols in four multiple-sale purchases from September 9 through October 16, 2023. Upon later examination of the multiple sale reports, KOZAK is suspected of utilizing a fraudulent form of identification to make the purchases. KOZAK possesses a Canadian passport and is a Canadian citizen, therefore, unable to purchase handguns in the United States.

3. KOZAK's purchases were reviewed and several of his purchases were of the same make and model:

| Transaction ID | Purchase Date | MFG | Serial No | Model | Firearm Type | Caliber |
|----------------|---------------|-----|-----------|------------|--------------|---------|
| M20230398138 | 09/09/2023 | GLC | CAUR790 | 43X | PISTOL | 9 |
| M20230398138 | 09/09/2023 | GLC | CAUR821 | 43X | PISTOL | 9 |
| M20230425119 | 09/29/2023 | FNB | 386446936 | FIVE-SEVEN | PISTOL | 57 |
| M20230425119 | 09/29/2023 | GLC | CAEG133 | 43X | PISTOL | 9 |
| M20230425119 | 09/29/2023 | TAS | 1GC67336 | GX4 | PISTOL | 9 |
| M20230446307 | 10/15/2023 | GLC | CBGW047 | 43X | PISTOL | 9 |
| M20230446307 | 10/15/2023 | SIG | 66B341261 | P365 | PISTOL | 9 |
| M20230446307 | 10/15/2023 | SW | PJN4932 | M&P 5.7 | PISTOL | 57 |
| M20230446307 | 10/15/2023 | TAS | 1GC50752 | GX4 | PISTOL | 9 |
| M20230447713 | 10/16/2023 | GLC | CAEF915 | 43X | PISTOL | 9 |
| M20230447713 | 10/16/2023 | SYT | S024876 | CR920 | PISTOL | 9 |
| M20230447713 | 10/16/2023 | TAS | 1GC67246 | GX4 | PISTOL | 9 |

4. KOZAK's known purchases were from the following Federal Firearms Licensees (FFL):

- 09-09-23: Cabela's, Kalispell, MT; FFL 9-81-03355.
- 09-29-23: Murdoch's Ranch & Home Supply, Butte, Montana; FFL 9-81-02006.
- 10-15-23: Murdoch's Ranch & Home Supply, Helena, Montana; FFL 9-81-02002.
- 10-16-23: Murdoch's Ranch & Home Supply, Missoula, Montana; FFL 9-81-02003.

5. KOZAK purchased 12 firearms in approximately 45 days. A majority of the firearms purchased were either Glock Model 43X 9mm pistols or Taurus Model GX4 9mm pistols. These firearms would not be considered by most to be rare or collectible.

6. On December 15, 2023, I received information from Homeland Security Investigators about an individual with the same name, different date





of birth and different address, who was believed to be purchasing firearms with a fake identification: Tyler John Cossack, 6833 Kelsey Ct, Missoula, MT 59803; DOB 08-01-1996, MT DL #2485719251452. This license number was queried in JWIN (Justice Web Interface to NCIC) with negative results. The fake ID was seized from Hapte John KOZAK, DOB 08-01-1997, following a secondary inspection, when he attempted to enter the United States via Vancouver International Airport on October 24, 2023. During the inspection, two counterfeit U.S. driver licenses (Arizona and Utah) were discovered. KOZAK was also in possession of a Canadian Passport, #AL067459. A report of investigation provided to ATF by Department of Homeland Security (DHS), Homeland Security Investigations (HSI) showed that Kozak was previously convicted in Winnipeg, Manitoba, Canada, for possession of a scheduled substance for the purpose of trafficking in 2015 and possession of a scheduled substance in 2018. In addition, Kozak's cellular phone also was manually viewed during the secondary inspection. Photographs were taken of image media and text messages.

7. A closer examination of the multiple sale reports was conducted. COSSACK "KOZAK" provided Montana driver's license #2149585254185 (which is not a valid Montana DL number) as a form of


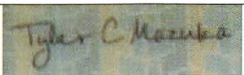

identification for the purchases. This number was queried through JWIN, with negative results. COSSACK's name and date of birth were also queried in JWIN with negative results.

8. KOZAK's purchase 4473s were requested on December 21, 2023, from the four involved FFLs for review of information, particularly if a social security number was provided and signature comparison. Additionally, any available videos were requested. No social security numbers were provided on the 4473s and no videos are available, as the stores only keep video for 30 days.

9. The below signatures were observed for COSSACK, in comparison to KOZAK's:

| | |
|--|---|
| Cabela's – Kalispell: |  |
| Murdoch's – Butte: |  |
| Murdoch's – Helena: |  |
| Murdoch's – Missoula: |  |
| Haptei, John Kozak, 08-01-1997 British Columbia Services Card 305-2460 Gossett Rd West Kelowna BC V4T 3L2 |  |
| Kozak's Canadian passport |  |

10. The following signatures were observed for the fraudulent forms of identification:

| | | |
|--|---|---|
| Tyler John Cossack, 08-01-1996 Montana DL 6833 Kelsey Ct Missoula, MT 59803 #2485719251452 |  |  |
| Kyle John Cossak, 07-31-1997 Arizona DL 17005 N 61 st St Scottsdale, AZ 85254 #B94882712 |  |  |
| Tyler Clifford Mazuka, 07-31-1997 Utah DL 2170 E Parleys Terrace Salt Lake City, UT 84109 #952972265 |  |  |

11. DHS/HSI provided ATF a copy of all images taken from the manual search of Kozak's phone. These images were taken during the secondary inspection.

12. Inside KOZAK's phone were images taken from the Quick Notes app. The images included information found on the fraudulent Arizona and Utah identification cards, to include height and weight, along with suspected written initials or signature.

13. The ATF Forms 4473 were reviewed, and aside from the State identification being fraudulent, one discrepancy was noted between the purchases made in Butte, Helena, and Missoula. In Section B, #10, KOZAK marked “No” when asked “Reside in City Limits?” on the Butte form but marked “Yes” on the Missoula and Helena forms.

14. On December 20, 2023, IOIS Shawn Lindseth queried “Mazuka” for gun purchases under the Utah ID with negative results. The identification number was queried in UT NLETS with negative results.

15. On January 4, 2024, a Research Analyst with the Arizona MVD queried Kyle COSSACK, and the DL number associated with negative results. The analyst further pointed out that Arizona credentials are valid for 8 years. The credential provided was shown to expire after 9 years. The analyst believed the license provided was not a legitimate AZ MVD issued credential.

16. Border patrol discovered text messages while conducting a manual search on KOZAK’s phone during a border search where KOZAK sent photos of firearms to potential buyers. Several message strings show potential buyers inquiring about availability and price for firearms that KOZAK has for sale.

17. On two of the firearms, a serial number could be seen. One was purchased by KOZAK on 09-29-2023: F.N. Herstal, model Five Seven, 5.7 caliber pistol, s/n 386446936. The below images show a close-up where the serial number can read almost completely: 3864469, the last two digits are blurred. A filter was applied, which didn't change the readability of the last two digits, but did, however, provide a clearer image of the barcode above the stamped serial number. This number contains the entire serial number.

18. On February 26, 2024, I responded to Scheel's in Missoula to retrieve information about an attempted firearm purchase by KOZAK. A Scheel's firearm counter employee took KOZAK's MT driver's license and made a photocopy of it. He then asked for an additional identification. KOZAK was unable to produce an additional identification and the transaction was cancelled. The photocopied identification was that of Tyler John COSSACK. This was the same identification utilized by KOZAK to purchase multiple firearms in the state of Montana.

19. I am a Nexus Expert within the ATF. KOZAK has purchased multiple Glock pistols. I know from my knowledge, training and experience that Glocks are either made in the country of Austria or the state of Georgia. This confirms the Glock firearms were not manufactured in the State of Montana. The firearms did travel through interstate commerce.

20. On March 6, 2024, law enforcement observed KOZAK and Lea-Aline LAZAOV exit the Comfort Inn, Missoula, Montana. Law Enforcement observed KOZAK carrying a black plastic case and place it into the Black Dodge Ram, license plate RF697A. Law Enforcement arrested KOZAK and detained LAZAOV. The Black Dodge Ram, license plate RF697A and the white Toyota 4Runner, Montana license plate 729603E were secured and towed to the Missoula Police substation.

21. LAZAOV informed law enforcement that she and KOZAK had been in room 203. Law enforcement confirmed with the Comfort Inn staff that KOZAK had rented room 203 in his name and had just checked out. The Comfort Inn allowed law enforcement to enter room 203, which was in the process of being cleaned. The cleaning staff provided law enforcement with a foam cutout (similar to what would be in a pelican case). The foam cut out had Glock magazine loader in the cutout.

22. On March 6, 2024, a mirandized recorded interview was conducted with LAZAOV. LAZAOV stated that KOZAK was in the United States to purchase firearms to take back to Canada to sell. LAZAOV stated KOZAK carried the black plastic case from the hotel room and put it into the back of the truck. LAZAOV stated the black plastic case located in the back

of the Black Dodge Ram pickup truck contains approximately thirteen handguns purchased by KOZAK.

CONCLUSION

23. Based on the foregoing, there is probable cause to believe that the black plastic Apache 4800 case contains evidence of KOZAK committing the crimes of prohibited person in possession of firearms in violation of Title 18 U.S.C. § 922(g)(5), False Statements in FFL Applications or to FFL in violation of Title 18 U.S.C. § 922(a)(6), straw purchasing of firearms in violation of 18 U.S.C. § 932 and trafficking in firearms in violation of Title 18 U.S.C. § 933.

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Accordingly, I respectfully request that the Court issue a search warrant.

RESPECTFULLY SUBMITTED this 7th day of March 2024.

A handwritten signature in blue ink, appearing to read "SA Thomas S. Hess", written over a horizontal line.

Thomas S. Hess, Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

SUBSCRIBED and SWORN to before me this 7th day of March 2024.

A handwritten signature in blue ink, appearing to read "Kathleen L. DeSoto", written over a horizontal line.

HON. Kathleen L. DeSoto
United States Magistrate Judge
District of Montana